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Magistrate A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

September 25, 2013

Re: Thomas M. Moroughan v. The County of Suffolk, et al.
Docket No.: CV-12-0512

Dear Magistrate Tomlinson:

I am counsel to plaintiff Thomas M. Moroughan ("Moroughan") and write this letter to request an extension of time regarding the current fact discovery deadline.

As per Your Honor's Second Amended Case Management and Scheduling Order (DE 62), fact discovery was to conclude on June 28, 2013. This is the second written request submitted by plaintiff to Your Honor regarding an extension of the fact discovery deadline¹. After conferring with all counsel plaintiff makes this application to extend the fact discovery deadline on behalf of all parties until May 19, 2014.

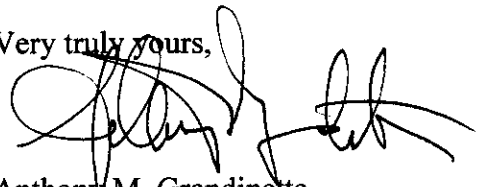
Based upon the currently open discovery issues discussed at length in plaintiff's Discovery Status Update to Your Honor (DE 113), all parties are in agreement regarding the need to extend the fact discovery deadline. It is well settled law that "...the management of discovery lies within the sound discretion of the district court" *Shaheen v. Naughton* 222 Fed.Appx 11, 13 2007. The instant application has not been necessitated by any undue delay caused by the parties to this action. Rather, the instant application is required due to the numerous logistical issues inherent in a case such as this, e.g., third party witnesses represented by separate legal counsel, preparation of administrative reports, and ongoing motion practice simultaneously pending in both Federal and State court.

It is the belief of all parties that an extension of the fact discovery deadline until May 19, 2014 will provide sufficient time for the parties to complete fact discovery and continue with the litigation of this matter unprejudiced by a lack of relevant and probative information.

Therefore, plaintiff, on behalf of all parties, requests that the Court issue an amended Scheduling Order extending the fact discovery deadline until May 19, 2014 and all other scheduling deadlines accordingly.

¹ Plaintiff's first written request to extend fact discovery was filed as DE 83 on May 3, 2013.

Very truly yours,



Anthony M. Grandinette

AMG/eb
cc: All Counsel via ECF